

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102
July 10, 1969

BULLETIN 1866

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

July 10, 1969

BULLETIN 1866

1. APPELLATE DECISIONS - ISHMAL v. NEWARK.

Johnnie Mae Ishmal, t/a)	
Back Room,)	
)	On Appeal
Appellant,)	
v.)	SUPPLEMENTAL
)	
Municipal Board of Alcoholic)	CONCLUSIONS and ORDER
Beverage Control of the City)	
of Newark,)	
)	
Respondent.)	

Kohn, Kirsch & Needle, Esqs., by Lewis J. Weinstein, Esq.,
Attorneys for Appellant
Philip E. Gordon, Esq., by Anthony J. Iuliani, Esq.,
Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following supplemental report:

Supplemental Hearer's Report

On appellant's appeal to the Appellate Division (Docket A-261-68) from the Director's Conclusions and Order in Ishmal v. Newark, Bulletin 1829, Item 3, affirming respondent's revocation of appellant's plenary retail consumption license for premises 132 Orchard Street, Newark, the case was remanded to the Director for amplified findings and conclusions. Ishmal v. Division of Alcoholic Beverage Control (App. Div. 1969), not officially reported, recorded in Bulletin 1847, Item 1.

As heretofore indicated, the appeal to the Division was submitted for determination on the transcript below, pursuant to Rule 8 of State Regulation No. 15, with no additional testimony taken at the Division.

The record herein of the proceedings before the Board disclosed the testimony of Police Captain John Notte, as taken from the police files, to be as follows: On October 1, 1966 Bernard Alton and Irene Ramos were arrested within the premises for possession of eight decks of narcotics; October 6, 1966 Theresa Rodriguez was arrested within the premises for possession of a hypodermic needle; on February 24, 1967 a "Segunato" was arrested within the premises for possession and sale of twelve decks of narcotics which consisted of heroin; on March 8, 1967 Agnes Morales was arrested inside the premises for possession of eleven decks of narcotics; on June 26, 1967 Amelio Gonzalas was arrested within the premises for sale of narcotics; on July 31, 1967 one Santiago was arrested inside the premises for possession of four decks of narcotics and for assault and battery on a police officer; on September 6, 1967 William Torres was arrested inside the premises for sale of

narcotics. Captain Notte further testified on direct examination that he was assigned to investigate narcotics activity over a period of two years and that Sergeant Edmund Bimbo, Jerome Cleary, Detective Ballard, McKinley Jackson, David Cummings and Detective McNulty (the whole narcotics squad, consisting of eighteen detectives) were involved in most of the arrests. During the period of time nineteen arrests were made within the appellant's licensed premises with reference to narcotics activity; ten of which were made on the outside of the premises and nine on the inside thereof. Captain Notte further said that, due to the number of arrests in the vicinity during this period of time, nine within the premises and no arrests being made more than two doors away from the premises, the appellant did or should have had knowledge of the narcotic activity.

Detective Thomas P. Lyons, in addition to the dates set forth in the Hearer's report concerning possession and sale of narcotics, testified that on August 24, 1966 one Pedro Planiso was observed walking over to one William Barreto who was seated on a porch at 128 Orchard Street, and then Pedro Planiso reached up between the bricks at 130 Orchard Street and removed a stack of glassine envelopes and walked over to a car and handed them through the window thereof; that he was then arrested. Detective Gockeler, according to the testimony of Detective Lyons, removed a glassine envelope from a crack between the bricks of the house at 130 Orchard Street; that the men in the car were taken to headquarters and charged with possession of narcotics and also possession of a dangerous weapon; that, prior to the arrests, Detective Lyons testified that he had seen the men in question who participated in the traffic of narcotics going in and out of the licensed premises on numerous occasions. On August 25, 1966, while in the company of Detective Cleary, Lyons stated that he saw a car stop in front of 130 Orchard Street and a person known as Tito (a suspected narcotics seller) walk over to the car and reach to the window before leaving the area. On September 17, 1966 Detective Lyons stated that again, while in the company of Detective Cleary and making a routine patrol of the area in question, he observed one Cortese standing in front of the appellant's premises; that, as they pulled up alongside of him, he observed Cortese dropping two envelopes in the gutter. Upon picking up the envelopes and examining same, they were found to contain heroin. Detective Lyons said he knew Cortese (who "hangs around in the Orchard Street area"). On October 18, 1966 one Ramon Garcia and one man were arrested at 128 Orchard Street for possession of twelve decks of heroin; that, prior to making the arrest, "men going in and out of the Back Room on other dates besides that" were observed. On June 1, 1967 Detective Lyons further stated he observed a man enter and then come out of a dwelling at 128 Orchard Street, walk south to appellant's premises where two males were standing, and handed them two glassine envelopes; that they overheard "in a clear tone that he wanted half a load, which means fifteen decks of heroin. A few minutes later he came out of number 136 and handed him a stack of glassine envelopes." The man was immediately apprehended and taken to police headquarters. Detective Lyons said that he recognized the man as a patron of appellant's licensed premises. Detective Lyons testified that he has worked in the area of appellant's premises for a number of years and "through our experience

found the tavern to be a constant hang-out for drug pushers and drug users;" that on July 29, 1967 one Burga was arrested after entering the appellant's tavern just prior to handing some envelopes to a man immediately outside the premises. Burga, when observing Detective Lyons and other detectives entering the premises, threw several packets on the floor which were ascertained to contain heroin. Said Burga jumped from the bar stool and assaulted Detective Lyons and his fellow officers when they attempted to apprehend him; that patrons in the barroom attempted to pull Burga away from the detectives after they had him in custody and during all this neither the bartender nor any other person "had the decency to go to the telephone and to call the police. That was the cooperation that I received from the operators of the Back Room tavern."

The testimony of Detective Richard S. Ballard was to the effect that on October 1, 1966 and again on October 6, 1966 he observed Bernard Alton (a patron employed by appellant); that he was asked by Bernard Alton if he wished to buy a narcotic drug, and also he observed one Theresa Rodriguez selling narcotics to people coming in from the street. Detective Sergeant Edmund Bimbo also testified that, from the Police Department's files, on January 17, 1967 and February 24, 1967 and on June 26, 1967 arrests were made by the sheriff's office inside the appellant's licensed premises on narcotic charges. The arrests indicated were made on June 24, 1967 by the sheriff's department and also Detectives McNulty and Cummings of the Newark Police Department.

Rule 4 of State Regulation No. 20 provides, among other things:

"No licensee shall allow, permit or suffer in or upon the licensed premises ... any unlawful possession of or any unlawful activity pertaining to narcotic drugs as defined by R.S. 24:18-2...."

R.S. 24:18-2(9) provides:

"'Narcotic drugs' means coca leaves, opium, marihuana and every substance not chemically distinguishable from them"

R.S. 24:18-2(11) provides:

"'Opium' includes morphine, codeine and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium."

In the instant case a narcotic drug was seized from the person trafficking in narcotics and who was taken into custody for possession or sale or attempted sale of heroin which is, among others, a prohibited narcotic within the meaning of the rule. I am satisfied and conclude that the mere possession or the sale of narcotic drugs in licensed premises constitute a violation of said rule. See Smith v. Newark, Bulletin 1726, Item 1, and Hodes Corporation v. Newark, Bulletin 1730, Item 1.

In 279 Club, Inc. v. Newark et al., Judge Lewis, speaking for the court (73 N.J. Super. 15) reiterated the

ruling in In re Schneider, 12 N.J. Super. 449, 457 (App. Div. 1951),

"... that the commission of an overt act on the licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule."

Moreover, the court stated that "There is a close and definite connection between drug addiction and crime" and cited divers authorities thereon. The unlawful possession or sale of heroin is made a high misdemeanor with drastic penalties. In that case the court held that the unlawful possession or sale of marihuana on property within the privilege of a liquor license is an immoral activity as contemplated by Rule 4 of State Regulation No. 20.

In Conte v. Princeton, Bulletin 139, Item 8, which concerned the outside of the licensed premises, it was ruled that a licensee must keep his place and his patronage under control. If in the exercise of his personal rights he becomes a nuisance to the community, public interest requires that the privilege terminate. See also, most lately, Kaplan v. Englewood, Bulletin 1745, Item 1, aff'd id. nom. App. Div. 1968, not officially reported, recorded in Bulletin 1790, Item 1, certif. den. 51 N.J. 464. Such determination may be either by revocation or non-renewal of the license.

"The offence of keeping a disorderly house or nuisance consists not in the fact that the keeper commits any of these crimes himself, but that he permits his house to be made a nuisance to the neighborhood by suffering the commission of these crimes there, whether by himself or others, is immaterial." State v. Williams, 30 N.J.L. 102, 107. It was also stated in the cited case, at p. 110 "that the habitual perpetration of the prohibited offences in a house kept for the purpose constitutes the house a public nuisance, as it tends in a greater degree to the spread of the evil which was intended to be prohibited."

I find the appellant guilty of the violations set forth in both charges on the dates of December 8, 1965, August 27, 1966, October 1, 1966, October 6, 1966, January 17, 1967, February 24, 1967, March 8, 1967, June 26, 1967, July 29, 1967 and July 31, 1967.

As to October 1, 1966, October 6, 1966, February 24, 1967, March 8, 1967, June 26, 1967, July 31, 1967, September 6, 1967, I find that these violations were committed within appellant's licensed premises. I further find that on October 1, 1966, June 26, 1967 and September 6, 1967, the sale or attempted sale of narcotics happened on the licensed premises.

Appellant has failed to sustain the burden of establishing that the Board's action in revoking her license was erroneous and should be reversed, as required by Rule 6 of State Regulation No. 15.

Accordingly, I recommend a reaffirmance of the Director's previous determination that the appellant was

proved guilty of the violations alleged on the particularized dates above set forth by a fair preponderance of the evidence, and that appellant's licensed business was thereby conducted as a nuisance.

Supplemental Conclusions and Order

Exceptions to the supplemental Hearer's report were filed by the appellant, including therein objections to evidence admitted at the hearing, the severity of the penalty and the failure to treat certain questions raised by the Superior Court, Appellate Division, in its remand order. I deem it appropriate under the circumstances to set forth certain principles applicable to this proceeding.

Rule 4 of State Regulation No. 20 in part (effective July 1, 1967) prohibits any licensee from allowing, permitting or suffering any unlawful possession of or any unlawful activity pertaining to narcotic drugs in or upon the licensed premises. The congregation of drug addicts (users), the arranging for or the offering to arrange for the sale or procurement of such drugs or the mere presence of a person for the purpose of selling, transferring, obtaining or using such drugs constitutes such "activity" interdicted by this Rule. Cf. Smith v. Newark, Bulletin 1721, Item 1.

Rule 5 of State Regulation No. 20 in part prohibits any licensee from allowing, permitting or suffering in or upon the licensed premises any immoral activity or the licensed place of business to be conducted in such a manner as to constitute a nuisance. The congregation of drug addicts (users), the arranging for or the offering to arrange for the sale or procurement of such drugs or the mere presence of a person for the purpose of selling, obtaining, transferring or using such drugs is such "immoral activity" and such "nuisance." Re White House Inn, Inc., Bulletin 1252, Item 2; Hodes Corp. v. Newark, Bulletin 1730, Item 1. A nuisance under said rule has been defined in many Division cases as:

"An offensive, annoying, unpleasant thing or practice: a cause or source of annoyance that although often a single act is usually a continuing or repeated invasion or disturbance of another's right." Re One Eleven Wines & Liquors, Inc., Bulletin 1656, Item 5, reversed on other grounds, One Eleven Wines & Liquors, Inc. v. Division of Al. Bev. Control, 50 N.J. 329 (1967).

Appellant contends that the State may not prohibit the mere congregation, without other improper activity, of drug addicts on licensed premises. Reliance is placed upon the New Jersey Supreme Court decision in the heretofore mentioned One Eleven case, which dealt with the congregation of homosexuals and apparent homosexuals. The court held that the mere presence of homosexuals on licensed premises is not sufficiently contrary to the public welfare to justify their exclusion therefrom in order to achieve effective liquor control.

However, I find that the congregation of drug addicts on licensed premises poses a serious threat to the public interest which seeks the elimination of the invidious narcotic

traffic. "There is a close and definite connection between drug addiction and crime." 279 Club, Inc. v. Newark, 73 N.J. Super. 15, 21 (App. Div. 1962). The Division's policy and practice of attempting to "nip reasonably apprehended evils while they are in the bud" (Paddock Bar, Inc. v. Division of Alc. Bev. Control, 46 N.J. Super. 405, 408 (App. Div. 1957)), quoted with approval by the court in said 279 Club decision, mandate that liquor licensed premises not be allowed to become breeding places for illicit narcotic activity.

A licensee is responsible in disciplinary and license-renewal proceedings for unfavorable conditions outside as well as inside the licensed premises which are caused by his patrons (Kaplan v. Englewood, Bulletin 1745, Item 1, aff'd id nom. by the Superior Court, Appellate Division (1968), not officially reported, recorded in Bulletin 1790, Item 1, certif. den. 51 N.J. 464 (1968)) or connected with the licensed premises (Board of Commissioners of the City of Bayonne v. B & L Tavern, Inc., 42 N.J. 131 (1964)). Also, a licensee has full control over his patronage on licensed premises and, subject to the anti-discriminatory provisions of the Civil Rights Law which are not here applicable, may eject those patrons to whom he objects. Re One Eleven Wines & Liquors, Inc., Bulletin 1656, Item 5, supra.

The standard of responsibility of the licensee in disciplinary proceedings with respect to the regulatory prohibition against "allowing, permitting or suffering" the hereinabove proscribed activity is as follows:

"Although the word 'suffer' may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, when there is a failure to prevent the prohibited conduct by those occupying the premises with his authority." Essex Holding Corp. v. Hock, 136 N.J.L. 28, 31 (Sup. Ct. 1947).

Although actual knowledge by the licensee of the prohibited activity need not be shown, "notoriety of the condition and the continuity of the conduct charges the licensee" with constructive knowledge and consequent responsibility therewith. Bilowith v. Passaic, Bulletin 527, Item 3.

In Benedetti v. Trenton, Bulletin 1040, Item 1, aff'd 35 N.J. Super. 30 (App. Div. 1955), a disciplinary proceeding in which the revocation of license by the municipal issuing authority for allowing prostitutes on licensed premises was affirmed on appeal, former Director Davis, with respect to the licensee's claim that, in effect, he was "convicted on information which he himself supplied", said:

"... There is evidence that the police already had some information on the subject and were continuing their investigation.... Furthermore, the evidence in support of the charges was not limited to [these] activities.... On the contrary, and as has already been pointed out, the evidence covered the activities of numerous other persons and

involved not one but many incidents on many different occasions. Although appellant appears to have taken some measures to correct certain conditions at his licensed premises, his overall conduct fell far short of what the public is entitled to expect from a licensee and he cannot expect the disclosure of one incident to absolve or excuse him from a long course of misconduct.

* * * *

"It is well settled that a licensee may not by inaction avoid his responsibility as a licensee and, in terms of basic responsibility, there can be no distinction between a licensee who violates the law and one who negligently refuses to take affirmative action to prevent a violation of the law."

On appeal the court affirmed the Division's decision, holding that the penalty of revocation was not unduly harsh and stating, at p. 35:

"... Clearly, he did 'allow, permit and suffer' upon his licensed premises, over a protracted period of time, a condition which constituted a flagrant offense to fundamental decency and morality, justifying the imposition of the maximum penalty provided by law."

Disciplinary proceedings may be distinguished from license-renewal proceedings. In Tumulty v. Dunellen, Superior Court (App. Div. 1963), not officially reported, reprinted in Bulletin 1519, Item 1, the court said:

"... The problem before the Director was what penalty to impose for what his investigators had discovered the licensees had done in the past. The problem before Dunellen, upon the application for the renewal of the license, was whether it was in the public interest that this establishment be licensed in the future...."

In Kaplan v. Englewood, Bulletin 1745, Item 1, supra, former Director Lordi quoted with approval the portion of the dissenting opinion of Judge Conford in Bd. of Com'rs of Bayonne v. B & L Tavern, Inc. (App. Div. 1963), not officially reported, reprinted in Bulletin 1509, Item 1, aff'd 42 N.J. 131 (1964), as follows:

"... in the area of licensing, as distinguished from disciplinary violation proceedings, the determinative consideration is the public interest in the creation or continuance of the licensed operation, not the fault or merit of the licensee...."

"Thus, here, entirely apart from considerations as to the licensee's culpability for the deleterious conditions which surrounded this establishment, the broad question necessarily posed before the local board on the application was whether, in the light of all the surrounding circumstances and conditions, it

was good for Bayonne and the neighborhood involved that a tavern continue to exist at this particular location at all...."

See also Nordco, Inc. v. Division of Alcoholic Beverage Control, 43 N.J. Super. 277, 282 (App. Div. 1957).

With these principles in mind, I make the following findings herein:

1. On December 8, 1965, March 8, 1967, July 29, 1967 and divers other dates between December 1965 and the end of 1967, drug addicts, i.e., persons who indulged in or appeared to indulge in the unlawful use of narcotics, congregated in and upon the appellant's licensed premises; that appellant knew that these persons were drug addicts or should have known of this fact by reason of the characteristics and activities of said persons, the continuous nature thereof and the common knowledge of same in the area of the licensed premises; that appellant, by countenancing such congregation, failed to prevent such congregation, apparently in the claimed erroneous belief that she could not lawfully do so; and that she therefore allowed, permitted and suffered (1) unlawful activity pertaining to narcotic drugs in and upon her licensed premises, in violation of Rule 4 of State Regulation No. 20, with respect to the dates subsequent to June 30, 1967, and (2) immoral activity in and upon her licensed premises and her licensed place of business to be conducted in such a manner as to constitute a nuisance, in violation of Rule 5 of State Regulation No. 20, with respect to all such dates.
2. On October 1, 1966, a patron (presumably "Ramos") unlawfully possessed narcotic drugs (nine decks of heroin), and Bernard Alton (an off-duty part-time bartender of appellant) arranged for the sale and procurement of such drugs for Detective Ballard, in and upon the licensed premises; that appellant failed to prevent such activity in that, by allowing her place of business to become a meeting place for drug addicts, she created the condition which precipitated such foreseeable consequential possession and arrangement (the fact that these two persons were apprehended by Detective Ballard as a result of the appellant's complaint is a factor in mitigation of penalty, rather than a defense to the charges); and that she therefore allowed, permitted and suffered immoral activity in and upon her licensed premises and her licensed place of business to be conducted in such a manner as to constitute a nuisance, in violation of Rule 5 of State Regulation No. 20.
3. On March 8, 1967, Agnes Morales (a patron) unlawfully possessed narcotic drugs and on July 29, 1967, a patron known as "Burga" unlawfully possessed narcotic drugs (several packets of heroin) in and upon the licensed premises; and that, as hereinabove stated in the preceding paragraph, appellant failed to prevent such possession and therefore allowed, permitted and suffered it to occur, in violation of Rule 5 of State Regulation No. 20 as aforesaid.
4. On the following dates the following persons unlawfully possessed narcotic drugs in front of appellant's

licensed premises: (1) on August 24, 1966, Pedro Planiso, (2) on August 27, 1966, Julio Santiago (six decks of heroin), (3) on September 17, 1966, "Cortese" (heroin) and (4) on October 18, 1966, two unidentified man (twelve decks of heroin); that each of these persons visited appellant's tavern on such occasions and utilized it as a meeting place from which they intended to unlawfully traffic in narcotic drugs; that appellant failed to prevent such activity in that, by allowing her place of business to become a meeting place for drug addicts, she created the condition which precipitated such consequential possession outside her licensed premises; and that she therefore allowed, permitted and suffered her licensed place of business to be conducted in such a manner as to become a nuisance, in violation of Rule 5 of State Regulation No. 20.

5. Appellant's guilt of those portions of charges (1) and (2) as delineated in these findings has been established by more than a preponderance of the believable evidence adduced herein. Actually, the basic facts are not in dispute; only the conclusions to be drawn therefrom are contested. The remaining portions of charges (1) and (2) are hereby dismissed since I find the appellant not guilty thereof.

The remaining question concerns the propriety of the penalty imposed. Is revocation of the license unreasonable? Did the municipal issuing authority abuse its discretion in administering such penalty?

Division records disclose that appellant's license was suspended by the respondent Municipal Board for fifteen days, effective September 12, 1966, for her personally failing to have her licensed premises closed during hours required by local ordinance. Upon appeal to the Division by the licensee, such action was affirmed and the fifteen-day-suspension imposed effective November 21, 1966. Bulletin 1711, Item 2.

I have carefully re-evaluated the question of the severity of penalty imposed herein. Appellant frequently summoned police to her premises to contain the chaotic activity resulting from her premises being patronized by narcotic addicts. And on at least two occasions persons were arrested by the police as a result of these calls.

However, these mitigating factors are not sufficient to overcome the undeniable fact that for a two-year period appellant's tavern was a continuous breeding place for unlawful narcotic activity and a serious threat to the public safety and welfare. Frequent calls to the Police Department did not effectively contain the harmful condition prevailing at the tavern. Yet appellant, who admittedly was aware of the problem, took no additional steps to prevent the prohibited activity other than to eject only patrons who were actually under the influence of drugs. The municipal issuing authority could have reasonably concluded that appellant was unwilling or unable to protect the public by controlling her premises and that a mere suspension of her license would not have thereafter resulted in a correction of the serious condition. While, perhaps, refusal to renew appellant's license would have been an appropriate way in which to protect the public interest, without disqualifying the licensee from being associated with the industry for two years (R.S. 33:1-31 and 26),

I cannot agree that the respondent Municipal Board was required to await the termination of the licensing period, rather than to institute immediate disciplinary proceedings, to accomplish the desired result.

Under all the circumstances, including the recent prior disciplinary record of appellant, I find that the penalty of revocation was not unreasonably severe. I therefore reaffirm my previous determination that the ultimate action of the respondent Board be affirmed and the appeal herein be dismissed.

Accordingly, it is, on this 13th day of May 1969,

ORDERED that the action of the respondent Board be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Consumption License C-113, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Johnnie Mae Ishmal, t/a Back Room, for premises 132 Orchard Street, Newark, be and the same is hereby revoked, the effective date of which will not be fixed until the determination by the Superior Court, Appellate Division, of the pending appeal, and remand to this Division.

JOSEPH M. KEEGAN
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - UNQUALIFIED EMPLOYEE - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

William Malone)
t/a Twenty Grand Lounge & Hall)
296-298 - 16th Avenue)
Newark, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-735, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
-----)

Elmer J. Herrmann, Jr., Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) and (2) on November 29, and December 3, 6 and 12, 1968, he permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) on November 29 and December 3 and 6, 1968, he employed a minor, age 20, as a bartender serving and selling alcoholic beverages, in violation of Rule 2 of State Regulation No. 13.

Absent prior record, the license will be suspended on the first and second charges for sixty days (Re Saunders, Bulletin 1842, Item 2) and on the third charge for ten days, (Re Nazario, Bulletin 1840, Item 5), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 20th day of May 1969,

ORDERED that Plenary Retail Consumption License C-735, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to William Malone, t/a Twenty Grand Lounge & Hall, for premises 296-298 - 16th Avenue, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1969, commencing at 2 a.m. Tuesday, May 27, 1969; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Thursday, July 31, 1969.

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Franklin Lake Indian Trail Club)
830 Franklin Lake Road)
Franklin Lakes, New Jersey)
Holder of Plenary Retail Consumption)
License C-2 issued by the Mayor and)
Council of the Borough of Franklin)
Lakes)

CONCLUSIONS
AND ORDER

Licensee, by Edward A. O'Connor, Trustee, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 19, 1969, it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Miele, Bulletin 1849, Item 6.

Accordingly, it is, on this 12th day of May, 1969,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Franklin Lakes to Franklin Lake Indian Trail Club for premises 830

Franklin Lake Road, Franklin Lakes, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, May 19, 1969, and terminating at 3:00 a.m. Saturday, May 24, 1969.

JOSEPH M. KEEGAN
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
Fair Wine & Liquor Stores, A Corporation
1128 Washington Street
Hoboken, New Jersey
Holder of Plenary Retail Distribution License D-10 issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken

CONCLUSIONS
AND ORDER

Norman Fischbein, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 8, 1969, it sold twelve quart bottles of whisky below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the Commissioner for five days effective April 10, 1944, for false statement in the license application, and by the Director for five days effective May 29, 1961, for sale below filed price. Re Fair Wine & Liquor Stores, Bulletin 1397, Item 8.

The prior record of suspension for dissimilar violation in 1944 occurring more than five years ago disregarded, but the record of suspension for similar violation in 1961 more than five but less than ten years ago considered, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Innocenti, Bulletin 1784, Item 12.

Accordingly, it is, on this 19th day of May, 1969,

ORDERED that Plenary Retail Distribution License D-10, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Fair Wine & Liquor Stores, A Corporation, for premises 1128 Washington Street, Hoboken, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Monday, May 26, 1969, and terminating at 9:00 a.m. Thursday, June 5, 1969.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary)
 Proceedings against)
)
 Bamboo Bar Corp.)
 t/a Bamboo Bar)
 201 Boulevard)
 Seaside Heights, N. J.)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption)
 License C-6 issued by the Mayor and)
 Borough Council of the Borough of)
 Seaside Heights.)

Berry, Summerill, Rinck & Berry, Esqs., by Franklin H. Berry,
 Jr., Esq., Attorneys for Licensee
 Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

On October 2, 1968, I entered Conclusions and Order herein suspending the license for thirty days for sale to minors and false statement in the license application, with effective dates thereof deferred because the licensed business was then being conducted only on a minimal basis. Re Bamboo Bar Corp., Bulletin 1825, Item 8.

It now appearing that the licensed business has been resumed on a substantial basis, I am satisfied that the deferred suspension may be imposed.

Accordingly, it is, on this 21st day of May, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Bamboo Bar Corp., t/a Bamboo Bar, for premises 201 Boulevard, Seaside Heights, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Wednesday, May 28, 1969, and terminating at 2:00 a.m. Friday, June 27, 1969.

JOSEPH M. KEEGAN
 DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Frank Gerino)
652 Joralemon Street)
a/k/a 388-396 Franklin Avenue)
Belleville, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution)
License D-4, issued by the Board of)
Commissioners of the Town of Belleville)

Joseph V. Melillo, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 15, 1969, he sold twelve 12-ounce cans of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Dolan Clubs, Inc., Bulletin 1842, Item 3.

Accordingly, it is, on this 20th day of May 1969,

ORDERED that Plenary Retail Distribution License D-4, issued by the Board of Commissioners of the Town of Belleville to Frank Gerino, for premises 652 Joralemon Street, also known as 388-396 Franklin Avenue, Belleville, be and the same is hereby suspended for ten (10) days, commencing* at 9 a.m. Tuesday, May 27, 1969, and terminating at 9 a.m. Friday, June 6, 1969.

JOSEPH M. KEEGAN
DIRECTOR

*By Order dated May 22, 1969, the suspension was deferred to commence at 9 a.m. Monday, June 2, 1969, and to terminate at 9 a.m. Thursday, June 12, 1969.

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Tube Bar, Inc. t/a Tube Bar 12 Tube Concourse Jersey City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-184 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

Thomas J. Kilcoyne, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads guilty to charges (1) and (2) alleging that on October 2, 1968, it sold alcoholic beverages before 6:00 a.m., during prohibited hours, in violation of local ordinance.

Licensee has a previous record of suspension of license by the Director for twenty-five days effective March 14, 1960, for sale during prohibited hours in violation of State Regulation No. 38, failure to possess copy of license application, failure to have on file employees' identification cards in violation of local ordinance, and hindering investigation (Re Tube Bar, Inc., Bulletin 1292, Item 4; Bulletin 1334, Item 2) and for sixty days effective March 13, 1969, for permitting acceptance of numbers bets (Re Tube Bar, Inc., Bulletin 1852, Item 2), presently on appeal to the Appellate Division, pending and undetermined.

The prior record of suspension in March 1969 disregarded because of the pendency of appeal therefrom (Re Cross Keys Hotel & Rest., Inc., Bulletin 1797, Item 3), but the prior record of suspension for similar violation in 1960 more than five but less than ten years ago considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Grande, Bulletin 1850, Item 10.

Accordingly, it is, on this 20th day of May, 1969,

ORDERED that Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Tube Bar, Inc., t/a Tube Bar, for premises 12 Tube Concourse, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, May 27, 1969, and terminating at 2:00 a.m. Wednesday, June 11, 1969.

JOSEPH M. KEEGAN DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Tremley Point Center, Inc. t/a Tremley Point Center, Inc. 3001-3003-3005 Tremley Pt. Rd. Linden, New Jersey Holder of Plenary Retail Consumption License C-60 issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden

CONCLUSIONS AND ORDER

Licensee, by Elizabeth Notarmaso, Secretary, Pro se Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 9, 1969, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Richlitsky, Bulletin 1839, Item 9.

Accordingly, it is, on this 27th day of May 1969,

ORDERED that Plenary Retail Consumption License C-60, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Tremley Point Center, Inc. for premises 3001-3003-3005 Tremley Point Road, Linden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, June 3, 1969, and terminating at 2:00 a.m. Friday, June 13, 1969.

Joseph M. Keegan, Director.

9. STATE LICENSES - NEW APPLICATION FILED.

Monarch Wine Co., Inc. 4500 Second Avenue Brooklyn, New York

Application filed July 3, 1969 for place-to-place transfer of the licensed warehouse operated under Wine Wholesale License WW-11 from 399 Halliday Street, Jersey City, New Jersey, to 620-624 Grand Street Hoboken, New Jersey

Handwritten signature of Joseph M. Keegan and typed name: Joseph M. Keegan, Director